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There were a number of organizations visiting Legislative Plaza this week representing transit, health, youth and community organizations. The Health and Human Resources Committee had a number of guests attending its Tuesday meeting with seating extended to the area in front of the members.

THE HOUSE RESEARCH DIVISION
320 6th AVE N. • RACHEL JACKSON BUILDING, 7th FLOOR • NASHVILLE, TN 37243



HOUSE RESEARCH DIVISION STAFF

DIRECTOR

Denise Sims

AGRICULTURE

Jeremy Maxwell

CHILDREN & FAMILY AFFAIRS

Amelia Mitchell

COMMERCE

Todd A. Staley

CONSERVATION & ENVIRONMENT

Jeremy Maxwell

CONSUMER & EMPLOYEE AFFAIRS

Lucy Wilson

EDUCATION

Pam Mason

FINANCE, WAYS & MEANS

Julie Travis, lead analyst

Patrick Boggs

GOVERNMENT OPERATIONS

Kristina Ryan

HEALTH & HUMAN RESOURCES

Judy Narramore

JUDICIARY

Jamie Wyatt

STATE & LOCAL GOVERNMENT

Lawrence Hall, Jr.

TRANSPORTATION

Jeremy L. Elrod

PHOTOGRAPHY

Jed DeKalb

Theresa Montogery

GRAPHIC DESIGN & LAYOUT

John Newman

PRINTING SERVICES

Capitol Print Shop

HOUSE RESEARCH DIVISION

320 6th Avenue North

Rachel Jackson Building, 7th Floor

Nashville, TN 37243

615.741.3025 -or-

615.741.1100, ext. 44982

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The **Agriculture Committee** met Tuesday to consider four bills on calendar.

The following bills were deferred:



Rep. Vaughn

HB 3296 (Vaughn), which requires upon request a legal description of property on which timber is harvested, and creates a fine for violations, was *rolled one week*.

HB 3715 (Bell) was *rolled two weeks*.

The following bill was *taken off notice*:

HB 3242 (Kernell)

The following bill was *withdrawn*:

HB 3519 (Rowland)

The committee heard various speakers talk on **HB 3296**. Charlotte West Dade from Kingsport, TN spoke in favor of the bill from the standpoint of being victims of timber theft. She feels that something must be done to protect the property owners from timber theft and the horrific damages created by bulldozers and skidders as they carve out logging roads. Candace Dinwiddie, Executive Director of TN Forestry Association, Rhedona Rose, Tennessee Farm Bureau, and Pat Clark, Department of Agriculture, all talked about having concerns with the amendment's language, and therefore, not supporting the bill.

children & family affairs

Amelia Mitchell



Chairman DeBerry

The Children & Family Affairs Committee met on Wednesday, March 26th and considered the following legislation:

The following bills were referred to Calendar & Rules:

HB 3097 by Rep. Curtiss requires the youth services officer, probation officer, or DCS to notify the school principal in writing of

the nature of an adjudicated delinquent's offense and probation requirements related to school attendance before the child resumes or begins school attendance.

HB 2538 by Fincher as amended expands the reasons for which a court may waive or extend the mediation requirement for parties in a divorce or separate maintenance proceeding.

HB 2884 by Rep. Gresham prevents permanent modification of a child custody decree based solely on one parent being called to active military service.

HB 3717 by Rep. Gilmore as amended adds immunity for certain reports made at the request of law enforcement to existing privileges and immunities under mandatory child abuse reporting statute.

HB 2910 by Rep. S. Jones expands list of offenses which, if a child has been adjudicated delinquent therefore, the parents of the child must notify the appropriate principal when enrolling the child in and LEA.

HB 2622 by Rep. S. Jones was amended to rewrite the bill in order to restate the focus of DCS from preserving the relationship between child and family to serving the best interest of the child.

HB 3143 by Chairman J. DeBerry requires a child's attendance at his or her permanency hearing. It also

requires the Juvenile Court to review and ratify an independent living plan for children 16 years or older. It requires the court to ensure that a child 17 years or older to be informed and knowledgeable of the post-custody services available and attends a permanency hearing three months prior to the release from custody to review the child's plan to transition into independent living.

HB 3144 by Chairman J. DeBerry gives foster parents, prospective parents, adoptive parents and relatives of a child notice of the right to be heard at a hearing regarding the child and provide that juvenile-family crisis intervention must certify that court intervention is necessary either through sworn testimony or in writing.

HB 3145 by Chairman J. DeBerry changes the requirements of the termination of parental rights in certain circumstances. This bill also creates an additional venue for which the petition may be filed and requires that proof of legal grounds and the best interest of the child are presented in default judgments for the termination of parental rights.

HB 3147 by Chairman J. DeBerry expands the stages in which a juvenile has a right to counsel to be at any delinquency proceeding or in any proceeding alleging unruly conduct in which the child is in jeopardy of being removed from the home. This bill also requires that in certain proceedings involving a child, an adult is entitled to legal counsel; and this bill establishes that if a juvenile or adult has a right to counsel and is indigent, the court shall provide counsel for such person.

The following bills were referred to Finance, Ways & Means:

HB 2909 by Rep. S. Jones as amended clarifies that juvenile court proceedings that are under appeal shall be made pursuant to the Tennessee Rules of Appellate Procedure.

HB 2911 by Rep. S. Jones expands the facilities for which and alleged or adjudicated delinquent juvenile can be charged with the offense of escape or attempted escape.



Rep. Richardson

The following bills were referred to Government Operations:

HB 2970 by Hardaway as amended establishes the “Office of Non-custodial Parent Advocacy” and makes it apply to Shelby County only.

HB 4099 by Rep. Richardson rewrites the Interstate Compact for Juveniles

The following bills were deferred one week:

HB 2908 by Rep. Sherry Jones creates the Department of Juvenile Justice and transfers all programs and services related to children adjudicated delinquent or unruly from DCS.

HB 2820 by Rep. Sherry Jones requires that a Guardian ad litem be appointed for a child during all stages of a contested termination or adoption matter and requires all proceedings of such to be confidential unless the confidentiality is waived by both parties. This bill also grants the court the authority to make a default finding in accordance with the Tennessee Rules of Civil Procedure when a verified answer by all parties in a termination of parental rights is not filed.

Domestic Relations Subcommittee

The **Domestic Relations Subcommittee** met on Tuesday, March 25th, 2008, to consider its calendar and the following bills were passed to full committee:

HB 2960 by Rep. Richardson requires DCS to provide post custody services to children who are 18 years or older and who choose to remain in the care of DCS voluntarily in order to receive educational training or receiving other services.

The following bills were deferred one week:

HB 3323 by Rep. Brown

HB 3324 by Rep. Brown

HB 3325 by Rep. Brown

The following bill failed for lack of second:

HB 1284 by Rep. Crider

Family Justice Subcommittee

The **Family Justice Subcommittee** met on Tuesday, March 25, 2008, to consider its calendar and the following bills were passed to full committee:

HB 2819 by Rep. S. Jones as amended requires authorized entities that arrange adoptions to be licensed in Tennessee and maintain a physical office within the state.

HB 2905 by Rep. S. Jones as amended sets up a board to oversee court reporter fees and have an entity to over see court reporters

HB 4079 by Rep.

Litz & Hawk

requires court clerks to provide information concerning the impact of property settlements on credit card accounts and requires credit reporting agencies to note division of property on credit card.

The following bills are to be made into study resolutions and go on to full committee:



Rep. Hawk

HB 2883 by Rep. DuBois defines “de facto custodian” as an individual who proves that he or she has been the primary caregiver and financial supporter of a child under certain circumstances. An individual may petition the court to be declared a de facto custodian and may be awarded full or joint custody if certain standards and procedures are met.

HB 2619 by Rep. Gilmore includes juvenile detention facilities and community residential programs as special school districts under DCS. This bill also requires the Commissioner of DCS to report to the General Assembly detailing any information deemed essential to rate the

effectiveness of the programs. This bill requires a child 18 years of age or older who is housed in a detention home or center for delinquent children to continue to be provided educational services.

The following bills were taken off notice:

HB 2969 by Rep. Hardaway

HB 2904 by Rep. S. Jones

HB 4139 by Rep. S. Jones

HB 3284 by Rep. Maddox

HB 2818 by Chairman DeBerry

Commerce passed four bills out on Tuesday during its full committee meeting.

HB 2483 (McDonald) as amended would require the local planning commissions to address the issue of cemeteries or graves on a property before a subdivision development would be approved. If there is no planning commission, then the county commission or municipality would have such authority.

[passed to Calendar & Rules]

HB 2776 (Baird) as amended clarifies the type of permit needed by a local government to conduct a pyrotechnics display. The local government does not need an exhibitor license, but the local government must get a permit from the fire marshal, have a certified operator on site, show proof of liability insurance, and purchase the pyrotechnic materials from a licensed exhibitor or distributor.

[passed to Finance Ways & Means]



Rep. Pitts

HB 4158 (Pitts) is referred to the “Tennessee Charitable Gift Annuity Act of 2008.” It replaces the current law with more oversight by the Department of Commerce & Insurance. Charitable gift annuities must be approved by the Commissioner and the issuing charitable organization would provide an annual report to the

Department. The amendment rewrites the bill.

[passed to Government Operations]

HB 4116 (Cobb C) revises various provisions governing persons in the mortgage industry. It requires educational training, criminal background checks, and participating in a multi-state automated licensing system. An amendment was adopted that makes a few technical changes.

[passed to Government Operations]

The following bills were rolled:

HB 3452 (Baird) allows fireworks operators to take the certification exam instead of the continuing education. The continuing education is currently offered in only one location in the state. An amendment allows the fire marshal to issue expedited permits for public displays at twice the fee for a regular permit. Rep. Todd requested the bill be rolled to give the State Fire Marshall more time to work with the Fireworks Association to develop more available continuing education in the state.

[rolled for two weeks]

HB 4128 (Townes) changes the licensure renewal for several professions from every year to every two years. These professions include: home improvement contractors, collection service businesses, polygraph examiners, alarm system contractor employees, and trainers for private protective services.

[rolled for one week]

Utilities, Banking and Small Business Subcommittee

The **Utilities, Banking and Small Business Subcommittee** met Tuesday and passed two bills to the full committee.

HB 3102 (Curtiss) modifies how and when notice is filed and issued on mechanic’s and materialmen’s liens. On improvements to one to four-family residential units, the notice must be filed within 10 days and 30 days on all other improvements to real property. An amendment was adopted that makes the bill.

[passed to full committee]



Utilities Chair Cobb

HB 2606 (Hardaway) was amended by the subcommittee. If a funeral home fails to surrender a dead body more than four hours after a written request is given, then the licensing board shall suspend the license of the funeral home for a minimum of 30 days. The request must be made during normal business hours. *[passed to full committee]*

The following bills were rolled:

HB 2624 (Hardaway) makes trustees of cemetery companies personally liable, in addition to being jointly liable, if perpetual care trust funds are insufficient to fund such care. It also specifies that the cemetery company must disclose to the purchaser their right to record a copy of the proof of ownership of a burial plot with the register of deeds. The subcommittee heard testimony from Robert Gribble of the Department of Commerce & Insurance and Mandy Young with the Cemeteries Association. A report is due out in two weeks that addresses insufficient perpetual care trusts. The subcommittee rolled the bill pending that report. *[rolled for two weeks]*

HB 1322 (West) requires licensure for providers of hospitality services by the Commissioner of Commerce & Insurance. Rep. West has offered an amendment that rewrites the bill to only require licensure if the business has five or more employees. *[rolled for one week]*

HB 3691 (Brooks K) authorizes an individual who is not a registered architect or engineer to do preparation work for signs costing \$25,000 or less, with a sign face of no more than 150 square feet and a maximum height of 25 feet. *[rolled for one week]*



Rep. K. Brooks

the subcommittee immediately following the full committee on April 1st to address the title pledge bills.

These bills will be heard by the subcommittee the following week.

Industrial Impact Subcommittee

The **Industrial Impact Subcommittee** met Wednesday and passed three bills to the full committee.

HB 2763 (Fitzhugh) as amended cleans up language in the Tennessee Prepaid Funeral Benefits Act passed last year. It removes the prohibition of irrevocable assignments of policy benefits to a funeral establishment. *[passed to full committee]*

HB 4206 (Yokley) revises Tennessee's long term care laws to be consistent with the current Long-Term Care Insurance Model Act of the National Association of Insurance Commissioners. It modernizes the existing law to qualify Tennessee for the Federal Long-Term Partnership Program. Two amendments were adopted to make some technical changes and to extend the continuing education deadline to 12 months from the effective date. *[passed to full committee]*



Rep. Yokley

HB 4066 (Curtiss) makes changes to the health group cooperatives that can be established by small employers. It increases the number of eligible employees from 25 to 50. The cooperatives must be made up of at least 1,000 employees or at least 10 participating employers. The bill also establishes the powers and duties of the health group cooperative. Also, the Department must submit a report by January 1, 2011 on the effectiveness of the health group cooperatives to expanding the availability of health insurance to small employers. *[passed to full committee]*

The following bills were rolled:

HB 2528 (Turner M) calls for statutorily mandated smoke detectors installed after January 1st of next year

to be photo-electric (includes nursing homes, assisted-care living facilities, foster care dwellings, one-family or two-family rental units and residential buildings). An oral amendment was offered to mandate the use of either the dual technology detectors or the stand-alone models as long as both ionization and photo-electric detectors are used.

[rolled for one week]

HB 3019 (Campfield) prohibits buildings from being treated as schools when the primary purpose of the building is not for educational activities. For instance, if a home-school group uses a room in a church, the church would not have to meet the same codes as a school. Rep. Campfield offered an amendment to clarify that this bill would preempt and supersede any current or future ordinances by local governments.

[rolled one week]

HB 2605 (Hardaway) establishes standards that a funeral home must follow when storing a dead human body that will not be embalmed.

[rolled to last calendar]

HB 2607 (Hardaway) requires local law enforcement to begin an investigation within 12 hours of receiving a report of an alleged violation by a funeral director of abuse of a corpse or concerning the handling, custody, care, or transportation of dead human bodies.

[rolled to last calendar]

HB 2470 (Jones S) deletes the current exemption that allows non-licensed individuals who derive less than fifty percent of their gross annual revenues from the sale, monitoring, installation and/or maintenance of alarm systems.



Rep. Sargent

[rolled one week]

HB 3779 (Sargent) prohibits health insurance carriers from requiring notice of a hospital admission within a period that is less than one business day if it would require notification on a weekend or federal holiday.

[rolled one week]

HB 3214 (Cobb C) establishes certain

provisions within a contract between a person or entity and a health care provider. It pertains to any original contract with an effective date of January 1, 2009 or after. Any contract in existence prior to January 1, 2009 that is renewed must comply with the provisions by December 31, 2009.

[rolled one week]

HB 3303 (Vaughn) failed for lack of a motion.

HB 3309 (Lynn) was returned to the Clerk's Desk pursuant to Rule 80(2).

HB 4101 (Hackworth) was taken off notice.

conservation & environment

Jeremy Maxwell

The **Conservation and Environment Committee** met Wednesday to consider seven bills.

The following bill was *referred to Calendar and Rules as amended*:



Chairman Buck

results of such samples would be reported independently of any other water samples drawn to test the water quality of the river and would be required to meet both the apparent and true color standards established by the EPA.

The following bills were *referred to Finance, Ways and Means*:

HB 3940 (Lynn), as amended, rewrites the bill. As amended, it states any public utility regulated by the Tennessee Regulatory Authority that provides proof of compliance with the bonding requirements to the appropriate water and wastewater treatment authority shall be deemed to satisfy the bonding requirements by this subdivision. The TRA requires public wastewater utilities under its jurisdiction to possess financial security in the form of a corporate surety bond in order to provide service. The first amendment also exempts Williamson County out of the bill. The second amendment excludes Blount and Sevier Counties. The third amendment adopted adds a severability clause.

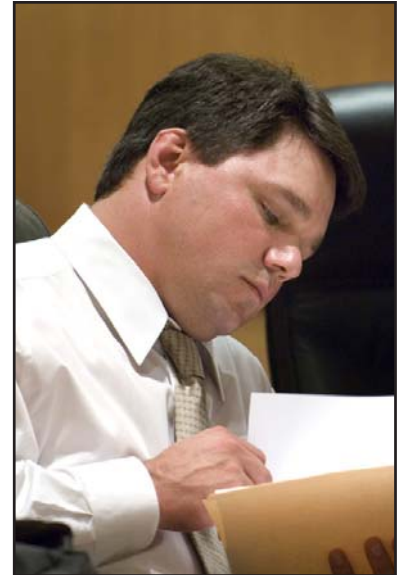
HB 3482 (Yokley) requires any water sample drawn to test the water quality of the Pigeon River at the time such river enters Tennessee from Haywood County, North Carolina to be drawn within $\frac{1}{4}$ mile of the border. Such samples would be taken at a time when any power plant located within one mile of the border is running at least one generator. The

HB 3772 (McCord), as amended, adopts a Bill of Rights for Water Pollution Control Permit applicants. The bill sets forth guidelines through the permit process that make it reasonable and ordinary for the benefit of the commissioner and applicants alike. Applicants shall have the right to assistance from the department in understanding regulatory and permit requirements. Applicants shall have the right to a timely decision on their permit.

HB 4184 (McCord), as amended, requires the Department of Environment and Conservation Commissioner to report to the Senate Environment, Conservation, and Tourism Committee and the House Conservation and Environment Committee by January 31st of each year information concerning enforcement orders, directors' orders, Commissioner's orders, consent orders, final orders, contested cases, final decisions, and complaints that the department was involved in during the prior calendar year.

The following bill was *referred to Government Operations*:

HB 4199 (Harmon) deletes the requirement that a certificate be issued by the Department of Environment and Conservation following the payment of Underground Storage



Rep. McCord



Rep. Harmon

Tank fees. Additionally, it extends TDEC's supervision duties to include petroleum delivery, and broadens the authority of TDEC's discretion for the use of the Tennessee Petroleum Underground Storage Tank Fund if such decisions result in a reduction in clean-up costs. The bill places a cap on clean-up costs of \$1,000,000 per site, per occurrence. Also, it removes fee payments as the basis for eligibility for reimbursement of cleanup costs, and broadens the eligibility pool for board members.

The following bills were *deferred two weeks*:

HB 1921 (Rinks)

HB 4185 (McCord)

Wildlife Subcommittee

The Wildlife Subcommittee met Tuesday to consider five bills on calendar.

The following bills were *referred to full committee*:

HB 3520 (Buck) authorizes the Tennessee Wildlife Resources Agency to enter into cooperative agreements with the Tennessee Valley Authority, U.S. Fish and Wildlife Service, National Park Service, U.S. Forest Service, any other federal agency, and any public or private landowner in Tennessee for the purpose of creating partnerships for planting cover and food plots along utility easements for the benefit of wildlife.

HB 3852 (Hawk), as amended, legalizes fox hunting in Greene County. The amendment includes Benton and Washington Counties, which makes the law consistent throughout the state.

The following bills were *deferred one week*:

HR 255 (Turner, M)

HB 3072 (McCord)

The following bill was *deferred to study committee*:

HB 1864 (Watson)

April 1st is Wildlife Subcommittee's last calendar.

Parks and Tourism Subcommittee

The Parks and Tourism Subcommittee met Tuesday to consider one bill.

The following bill was *referred to full committee as amended*:

HB 2508

(Mumpower)
authorizes golf carts to be driven on paved roads within if driver has a valid driver license. It will be subject to regulation by state parks.



Rep. Mumpower

Environment Subcommittee

The Environment Subcommittee met Wednesday to consider seven bills and to hear presentations.

The following bill was *referred to full committee*:

HB 3116 (DuBois) requires the Department of Environment and Conservation to conduct a feasibility study concerning the development of an online sewage system permitting process. Results of the study would be submitted to the House Conservation and Environment Committee and the Senate Environment, Conservation, and Tourism Committee by January 20, 2009.

The following bills were *deferred one week*:

HB 4198 (McDonald)

HB 3348 (McDonald)

HB 3977 (Hackworth)

HB 3965 (Buck)

HB 3521 (Buck)

The following bill was *rolled to the last calendar*:

HJR 781 (DuBois)

The committee also heard a presentation from Chuck Laine, Executive Director of FACTS Mining for Development, and Dan Rawlins, CEO of National Coal, opposing HB 3348. The bill prohibits the department of environment and conservation from issuing permits related to surface mining under certain circumstances.

April 2nd will be Environment Subcommittee's last calendar.

consumer & employee affairs

Lucy Wilson

Consumer Affairs Subcommittee

Closed subject to the call of the Chair.

Employee Affairs Subcommittee



Employee Sub Chair Hackworth

Twenty-six bills were on the committee calendar. Of those 26, seven were taken off notice; six were moved out of committee; and 13 were rolled one week.

Passed to Full Committee:

HB3436 by Rinks, the Workers' Compensation Omnibus bill, with an amendment following, addresses

technical corrections to the law as well as issues pertaining to the statute of limitations; dismissal of dormant requests for benefit review conferences; administrative review of specialist's orders; and other issues.

HB 2571 by Curtiss defines the American Medical Association's Guide for impairment ratings to be used in making decisions on workers' compensation cases. The statutory requirement that any impairment rating be based on the most recent edition of the AMA Guides (in effect on the date of injury) is removed. The Commissioner of Labor & Workforce Development is permitted to delay implementation and take up to six months to study the impact of implementing the new Guides.

HB 4175 by Litz gives volunteer firefighters who work all night fighting a fire or are on call to take the following day off from work as a vacation or sick day without loss of pay in certain circumstances. An amendment following the bill specifies that the employee may take off the scheduled work period within 12 hours following fighting a fire if the employee did so for more than four hours.

HB 3807 by Lollar changes the utilization review process. Currently the review does not have to be completed by a physician who is licensed in TN and board-certified in the same specialty as the treating physician.

The bill would require that the review agent be a physician who is board certified in the same specialty as the treating physician. An amendment follows the bill to full committee.



Rep. Lollar

HJR 756 by Turner M urges Congress to pass the Employee Free Choice Act which would "authorize the National Labor Relations Board to certify a union as the bargaining representative when a majority of employees voluntarily sign authorizations designating that union to represent them; provide for first contract mediation and arbitration; and establish meaningful penalties for violations of a worker's freedom to choose a union".

Failed in Committee:

HB 3096 by Hill which makes it lawful for an employer to require an employee to speak English while engaged in work failed to get a second on a motion to move the bill out of committee.

Rolled One Week:

HB 3848 by Mumpower, often referred to the "Silent PPO", would require a direct contract between a payor of medical services with the provider of those services if the rates are lower than the Medical Fee Schedule.

HB 3170 by Buck is rewritten by an amendment that makes it clear that if an employee requires surgery he/she is entitled to receive a panel of three specialists from which to select the operating physician.

HB 3699 by Cobb C originally addressed an alternative system of securing self-insured employers' aggregate liabilities through self-insurers security fund. The bill was rolled waiting on an amendment that would

rewrite the bill.

HB 4160 by Ferguson exempts certain employers and employees from certain provisions of the Workers' Compensation Law on religious grounds. The amendment following the bill is a result of discussions between the sponsor and the Workers' Compensation Advisory Council. The amendment ties the bill more closely to the Federal Social Security exemption, and all employees, religious sect members and non-sect members, be counted for purposes of determining whether the employer is required to purchase workers' compensation coverage.

HB 3710 by Fitzhugh excludes from workers' compensation coverage injuries that 1) occur during recreational activities 2) are not required by the employer, and 3) do not directly benefit the employer.



Rep. Hood

unemployment compensation fraud. Additionally, the bill makes various other changes to unemployment security law.

A similar bill, **HB 3892 by Rowland**, creates a system for reporting unemployment compensation fraud which includes criminal conduct in the definition of misconduct, and makes various other changes to unemployment security law.

HB 3706 by Brooks K permits the payment of employees in private employments on a monthly basis in addition to the present law which authorizes payment at more frequent periods than semi-monthly.

HB 3929 by Hood requires the Department of Labor and Workforce Development to keep confidential the identity of the state or local governmental agency, officer, employee, or entity who files a complaint regarding employment of illegal aliens.

HB 3358 by Hood creates a program with incentives for reporting

HB 4140 by McDonald authorizes the Commissioner of Labor and Workforce Development to reduce penalties in certain circumstances when an injured worker has been fully compensated and all medical expenses have been paid.

HB 3263 by Moore prohibits employers from requiring employees to participate in an employer-sponsored meeting or participate in mandatory communication with an employer if the purpose is to communicate the employer's opinion concerning religious or political matters.

HB 3783 by Hackworth authorizes any workers' compensation medical report to be given to the employee's family, if the employee consents or if the employee is incapacitated.

HJR 1006 by Hackworth urges Congress to provide for fair, equitable, and competitive retirement benefits for former and present retired United States Department of Energy Oak Ridge prime contractor employees.

House Consumer & Employee Affairs Committee

The Committee heard seventeen bills, passed 9 out of committee, rolled seven bills one week and **HB 2852 by Maddox** was taken off notice.

Passed to Government Operations Committee:

HB 3111 by Hood authorizes any

person – not just a government official or agency – to file a complaint with the Department of Labor and Workforce Development when he/she has reason to believe that an employer is employing illegal aliens. Such complaint must be made under oath.

HB 3647 by Turner M requires the Division of Consumer Affairs in the Department of Commerce and Insurance to maintain a comprehensive list of children's products that have been identified as unsafe. A violation would be considered an unfair or deceptive act under the



Chairman McDonald

Tennessee Consumer Protection Act. The Department of Human Services would be required to make available to child care agencies the list of unsafe children's products on the department's web site; and to prepare a certification form and require each facility to complete the certification process during licensing or license renewal

Passed to Calendar & Rules Committee:

HB 3375 by *Todd as amended, authorizes any health club to offer membership contracts prior to opening if the health club meets the following criteria:

- Acquired a property right or interest in Tennessee with respect to the facility;
- Filed a registration application; and
- Purchased a surety bond in favor of the Consumer Affairs Division of the Department of Commerce and Insurance in the amount of \$25,000.

When applying for certification, the health club must include a current personal or corporate financial statement prepared by a certified public accountant.

The Division is authorized to require a health club post a surety bond up to \$200,000 if the Division finds the financial condition of the health club is insufficient to protect prospective buyers.

HB 3400 by Cobb C removes the requirement that sponsoring associations provide to the Commissioner of Commerce and Insurance confirmation that employer participants in the self-insured pool comply with qualifying requirements for self-insureds.

HB 3407 by Matlock permits the buyer of a health club agreement to have one week after entering into the agreement to cancel. Violations are punishable through civil penalties, private rights of action and as a Class B misdemeanor.

HB 1484 by Towns prevents reduction or termination of unemployment benefits due to claimant's enrollment in an institution of higher education.

HB 3860 by Odom prohibits fees for imposing or removing a credit freeze on a consumer when the consumer has been a victim of a breach of an information holder's security system.

HB 4202 by Odom exempts boilers under federal control or boilers used to generate electricity under

contract with the Tennessee Valley Authority from regulation by the Board of Boiler Rules. Additionally the bill requires the technical secretary of the Air Pollution Control Board to establish an expedited review process for permits for combined heat and power plants or a recoverable waste energy plant.

HB 4102 by Odom authorizes the release of certain confidential employment security information to contractors and agents of public employees provided certain safeguards are in place. The one requesting the information is required to pay the cost of disclosure.

Rolled one Week:

HB 4044 by Towns makes it an unfair or deceptive act or practice under the Tennessee Consumer Protection Act of 1977 to engage in the business of operating private parking services and using a device to immobilize a vehicle for unauthorized parking, then charging a fee for such device's removal and refusing to allow choice of payment options. Violations are punishable through civil penalties, private rights of action and as a Class B misdemeanor.

HB 4153 by Ferguson requires health clubs to post a \$25,000 bond with the Department of Commerce and Insurance to be maintained for two years following the club's ceasing to do business in this state; authorizes the commissioner to issue a cease and desist order against a person violating the provisions governing health clubs.

Under this **HB 4023 by Niceley**, any gift certificate or gift card would retain its full unused value until exchanged for merchandise; no gift certificate or gift card would expire until the full unused value of the certificate or card has been spent. No dormancy fee may be charged against a gift card or gift certificate.

HB 3006 by Turner M requires private employers, depending on the number of people they employ, to provide paid sick and vacation leave to their employees based on the number



Rep. Niceley

of hours the employee works during a year. An amendment follows the bill.

HB 2522 by Turner M requires gift certificates with a monetary value of less than \$10.00 to be redeemable in cash for cash value. An amendment follows the bill.



Chairman Winningham

The House Education Committee met on Wednesday and considered its calendar. Action follows.

Referred to Calendar & Rules:

HB 4084 – (Maddox) all public and private institutions of higher education are to develop policies regarding the marketing or merchandising of credit cards on

institutional property to students. Marketers are to inform students about good credit management practices. The marketing policy must be available to students upon request. Policies are to include consideration of registering credit card marketers, limiting the times and locations of such marketing, and prohibiting the offering of free merchandise or incentives as part of the marketing unless a student has received credit card debt literature.

HB 3454 – (McCormick) the department of education is to collect and disseminate information on innovative educational practices in civics education to LEAs. LEAs are to give this material to teachers and principals.

HB 3745 – (Harrison) authorizes the revision of election cycles for municipal boards of education to being them in line with the general election.

HB 3158 – (Harrison) LEAs are to submit to the commissioner of education a plan conforming to state regulations for school nutrition requirements, income eligibility for free and reduced price meals, and determination of student eligibility for free and reduced meals. LEAs are to set preferences for use of local agricultural products and allow flexible bidding processes to assist farmers. All food provided to public schools is to meet or exceed food safety standards for commercial food operations.

Referred to Calendar & Rules, if amended:

HB 4096 – (Winningham) directs THEC to implement universal articulation so that the remaining 19 semester hours in the baccalaureate major are common among university and community colleges and can transfer as meeting bachelor's degree requirements.

Referred to Finance, Ways & Means, if amended:

HB 3483 – (Yokley) allows a child, under twenty-four (24), of a retired teacher who retired with a minimum of thirty (30) years of full-time creditable service, a twenty-five percent (25%) tuition discount at any state-operated institution of higher learning. The parent must have acquired the thirty (30) years as a teacher in Tennessee and may be living or deceased.

HB 4042 – (Mumpower) authorizes the human resource agencies to apply for three-year step down grants to implement the Moral Kombat program or any other character education program for youth ages eleven (11) to nineteen (19). Eligible youth are to be identified and referred by the juvenile court system, public and private schools, the department of children's services, or parents, guardians or other family members.

HB 3915 – (Rinks) requires any public and private institution of higher education that has student residential computer networks to reasonably attempt to prevent copyright infringement over network resources if the preceding year an institution receives 50 or more legally valid notices of infringement as prescribed by the Digital Millennium Copyright Act of 1998. The bill does not prohibit non-infringing use of copyrighted material, subject public institutions to lawsuits, or constitute a waiver of sovereign immunity. The Tennessee board of regents, the board of trustees for the University of Tennessee, and the Tennessee independent colleges and universities association are required to report to THEC any reasonable efforts taken to deter copyright infringement.

HB 2973 – (Winningham) for eligible education employees, requires that the state contribution shall not be less than fifty percent (50%) of the total cost of that person's participation in health insurance coverage. Beginning July 1, 2008, each LEA is to pay on behalf of each eligible employee, as a minimum, the percent specified in the general appropriations act of the premium collected on behalf of said employee.



Referred to Government Operations:

HB 3964 – (Curtiss) makes children and grandchildren of Purple Heart recipients eligible for a twenty-five percent (25%) tuition discount at public institutions of higher learning.

Referred to K-12 Subcommittee:

HB 1872 – (Hawk)

Deferred 1 week:

HB 2642 – (Hardaway)

HB 3051 – (Winningham)

HB 2755 – (Pruitt)

HB 2472 – (Jones, S.)

HB 3418 – (Shaw)

All Lottery bills were deferred 1 week:

HB 4179 – (Maddox)

HB 9 – (Hawk)

HB 1475 – (Fitzhugh)

HB 2065 – (Maddox)

HB 4039 – (Winningham)

HB 4210 – (Winningham)

HB 2418 – (Moore)

HB 4130 – (Winningham)

HB 4212 – (Winningham)

HB 3478 – (Hawk)

HB 3742 – (Winningham)

HB 3120 – (Overbey)

Deferred 2 weeks:

HB 3057 – (Winningham)

HB 3319 – (Brown)

Deferred to Last Calendar:

HB 3780 – (Winningham)

Higher Ed Subcommittee

The Higher Ed Subcommittee met Wednesday and took the following actions.

Referred to Full Committee, if amended:

HB 2989 – (Bone) creates a pilot incentive award program, the Tennessee Rural Veterinary Services Program. University of Tennessee veterinary students, upon graduation and receipt of their veterinary license, would be eligible to receive incentive awards to work in underserved, rural communities in the state.

HB 3393 – (DeBerry, L.) requires data obtained for student or campus directories to include information that a student may indicate they do not wish to receive solicitations from this source. The bill makes it unlawful for a credit card issuer to recruit students on campus, at college or university facilities, or at student organizations; and gifts or other promotional incentives may not be offered to entice students to apply for credit cards.

Deferred 1 week:

HB 3603 – (Sontany)

HB 4135 – (Ferguson)

HB 4016 – (Armstrong)

Taken off Notice:

HB 3799 – (Harwell)

K-12 Subcommittee

The K-12 Subcommittee met on Tuesday to consider its calendar. Action follows:

Referred to Full Committee:

HB 3268 – (Maddox) in an



Higher Ed Chair Brown



Rep. Maddox

emergency allows volunteer school personnel to administer anti-seizure medication to a student in an emergency. The volunteer must be trained by a registered nurse for this procedure.

Referred to Full Committee, if amended:

HB 2779 – (Cooper) requires LEAs to provide art and music education in all K-8 schools based on state curriculum standards.

HB 2859 – (Winningham) prohibits local governments from using state BEP dollars to reduce local taxes or operating funds that would go to education for the current fiscal year.

Referred to the Select Oversight Committee on Education:

HB 3210 – (Gilmore) changes age for attending Pre-K and kindergarten.

Failed:

HB 3481 – (Hawk) changes age for attending Pre-K and kindergarten.

Deferred 1 week:

HB 3280 – (Maddox)

HB 3123 – (Cooper)

HB 3794 – (Johnson, C.)

HB 4071 – (Johnson, C.)

HB 4089 – (Maddox)

HB 4095 – (Coley)

HB 2686 – (Hawk)

HB 1977 – (Harwell)

Off Notice:

HB 2652 – (Hackworth)

HB 2789 – (Cooper)

HB 3165 – (McCormick)

HB 3739 – (Winningham)

HB 944 – (Hardaway)

HB 1436 – (DeBerry, J.)

Special Initiatives Subcommittee

Actions taken at the Special Initiatives Subcommittee at its Wednesday meeting follow.

Referred to Full Committee:

HB 4029 – (Harwell) creates a pilot program for high school juniors and seniors, enrolled in college courses at eligible institutions of higher learning, to make laptops available to them.

Deferred 1 week:

HB 3920 – (Rinks)

Taken off Notice:

HB 1947 – (Swafford).

finance, ways & means

Julie Travis & Patrick Boggs



Chairman Fitzhugh

On Tuesday, March 25th, the full Finance Committee met and considered eighteen bills, and the actions are as follows:

Bills Referred to Calendar & Rules:

HB 2665 (West) – This bill names a pedestrian bridge on a greenway inside Davidson County that spans U.S. 70 the “Bob Sheehan Memorial Bridge.” The committee amended the bill to

require Davidson County to pay the costs of the signage.

HB 2729 (Favors) – This bill authorizes assisted living care facility residents to receive hospice care at their assisted living facility.

HB 2792 (Dean) – This bill names a segment of I-24 in Chattanooga the “Officer Julie Jacks Memorial Highway.” The signage will be paid for out of the highway fund as Ofc. Jacks was killed in the line of duty while attempting to apprehend a suspect.

HB 3092 (Hill) – This bill names a bridge on S.R. 353 in Washington County the “Richard ‘Rick’ L. Edens, Sr. Memorial Bridge.”

HB 3201 (Coleman) – This bill ties the compensation of child support referees to the annual cost of living adjustments given to state employees in the state appropriations budget. Funding for this legislation is included in the Governor’s recommended budget.

HB 3617 (Maddox) – This bill redefines home medical equipment services to include equipment that is delivered to a predetermined location for the consumer or consumer’s representative to pick up.

HB 3731 (Fitzhugh) – This legislation increases the amount, collected per capita, that counties pay the

Comptroller of the Treasury for audits of the county finances.

HB 3861 (Tindell) – This bill requires any fines levied by the Alcoholic Beverage Commission to be deposited in the general fund. Thus, the ABC would be funded out of the general fund instead of its own revenues.

HB 3863 (Tindell) – This bill establishes a county revenue partnership fund within the general fund, for which the legislature, if it so desires, can use to appropriate funds to be distributed to counties.

HB 4156 (Richardson) – This legislation reduces the gross receipts tax on Intermediate Care Facilities for the Mentally Retarded (ICFMR) from six percent (6%) to five and a half percent (5.5%).

HJR 736 (Shepard) – This bill names a section of S.R. 230 in Hickman County the “Trooper Jamie Hassell Barnett Memorial Highway.” Hickman County will reimburse the department for the erection of the signs.

HJR 936 (Rinks) – This resolution expresses support of the AARP in its “Divided We Fail” initiative.

HJR 961 (Borchert) – This resolution urges Congress to investigate the possible manipulation of gas prices and price gouging by oil companies.

HB 3673 (Bass) – This bill names a bridge on U.S. 31 in Giles County the Jarret C. Gray Memorial Bridge. The committee amended this bill to specify that the Giles County Government will reimburse the department for the signage.

HB 3674 (Bass) – This bill names a bridge on U.S. 64 in Giles County the Deanna Glossup Memorial Bridge. The committee amended this bill to specify that the Giles County Government will reimburse the department for the signage.

HB 3675 (Bass) – This bill names a bridge on U.S. 64 in Giles County the Bobby Claud ‘BJ’ Englett, Jr. Memorial Bridge. The committee amended this bill to specify that the Giles County Government will reimburse the department for the signage.

HB 2775 (H. Brooks) – This bill encourages LEAs to purchase and install automated external defibrillators in

K-12 schools. However, no state funds shall be used for the purchase of such devices.

HB 3433 (H. Brooks) – This bill names a bridge spanning I-640 in Knox County the L.D. Lindsay Bridge. The committee amended this bill to specify that the Knox County Government will reimburse the department for the signage.

Budget Subcommittee



Budget Chair Tindell

The Budget Subcommittee met on Wednesday, March 26th and considered forty-three bills on its calendar and addendum. The results of their actions are as follows.

Bills Referred to the Full Committee:

HB 1168 (Sontany) – This bill authorizes the Board of Veterinary Medical Examiners to certify persons trained in the

chemical capture of animals. It also adds a penalty for unlicensed individuals to engage in the chemical capture of animals.

HB 2803 (Sontany) – This bill creates the Tennessee Animal Abuser Registration, Tracking, and Verification Act of 2008. Offenders of felony aggravated animal cruelty, animal fighting, or bestiality will have to register with the TBI in a similar manner as those individuals who must register as sexual offenders. Such registry will be maintained on the internet, and such persons on the registry will have to forward information regarding moves that they make. After ten years without a secondary conviction related to animal abuse, offenders will be removed from the registry.

HB 2343 (Moore) – This legislation enacts the “Fire Safety Standard and Firefighter Protection Act.” It requires cigarette manufacturers to only sell certified fire-safe cigarettes within the state. It creates within the general fund a “Reduced Cigarette Ignition Propensity and Firefighter Protection Act Enforcement Fund” funded by fees submitted by cigarette manufacturers

certifying that their cigarettes are indeed safe under the provisions of this act. Such fees will fund the state fire marshal’s oversight ensuring that cigarettes sold are indeed fire-safe. The subcommittee amended the bill to require the Uniform Administrative Procedures Act to govern the hearing and judicial review of contested cases arising under the provisions of this act.

HB 3793 (Sargent) – This bill requires the State Treasurer and his subordinates to maintain the confidentiality of information regarding audits for unclaimed property. The subcommittee adopted an amendment to remove the possibility of a prison sentence for violation of the provisions of the bill, thereby removing the fiscal impact of the legislation.

HB 1645 (Mumpower) – This bill, as rewritten by the subcommittee, requires any person engaged in the construction industry to carry workers’ compensation insurance. Sole proprietors or partners working as a direct contractor would be exempt, though if they were working as subcontractors, they would be subject to the provisions of the bill. This bill also deletes the exemption that contractors and subcontractors in Hawkins and Hancock counties do not have to carry any workers’ compensation on themselves or their employees.

HB 705 (McCord) – This bill adds geothermal heating and cooling for the required disclosures for contractors bidding on projects.

HB 2517 (Fitzhugh) – This bill increases the maximum income that disabled homeowners are able to make to be eligible to receive assistance on their property taxes. Future increases will be tied to increases in the Social Security cost of living adjustments. This brings this level of income into line with what elderly persons must make to be able to receive assistance.

HB 3633 (Favors) – This bill defines “Level II office based surgery” that is performed outside of a hospital or other facility licensed by the Department of Health. It establishes a licensure application and adverse event reporting requirements for physicians through the Board of Medical Examiners and the Board of Osteopathic Examiners.

HJR 908 (Crider) – This bill designates a segment of U.S. 70A/79 in Gibson County the “James Howard Appleton/Margaret Hopper Crider Memorial Highway.” The cost to erect the signs will be paid for by Gibson County.



Rep. Cobb

HB 2613 (J. Cobb) – This bill names a segment of U.S. 11 in Loudon County the “Trey Lefler Memorial Highway.” The subcommittee amended the bill to require Loudon County to pay for the erection of the signage.

HB 2798 (Buck) – This bill names a segment of S.R. 53 in Smith County the “Lt. Colonel Linden Lee Gill Highway.”

Non-state funds shall be reimbursed to the department for the cost of the signage.

HB 2800 (Buck) – This bill names a bridge on S.R. 141 in Smith County the “P1C Woodrow Wilson Winfree Memorial Bridge.” The signage will be paid out of the highway fund in accordance with T.C.A. §54-1-133 as this individual was killed in the line of duty in World War II.

HJR 938 (Baird) – This resolution requests the Tennessee Valley Authority to approve the construction of the Campbell County Lighthouse Lodge and Convention Center.

HB 3833 (Vaughn) – This legislation requires who are under eighteen years of age and have had an accident or moving violation and have had their drivers’ licenses suspended to file and maintain proof of financial responsibility with the Department of Safety. This bill had been previously placed Behind the Budget in a previous subcommittee meeting, but upon receiving new fiscal information, the subcommittee reconsidered its actions, and moved the bill to the full committee.

Bills Rolled One Week:

HB 1957 – Armstrong – with Budget Sub Amdt. #1
 HB 3301 – Vaughn
 HB 649 – M. Turner
 HB 3722 – Fitzhugh – with Budget Sub Amdt. #1
 HB 3321 – Brown

Bills Rolled Two Weeks:

HB 2835 – Shepard
 HB 2500 – Odom

HB 3098 – Curtiss
 HB 3297 – Vaughn
 HB 4000 – Hackworth
 HB 2958 – J. DeBerry
 HJR 1014 – Coley

Bills Rolled to the Last Calendar:

HB 3453 – Tindell
 HB 3837 – Shaw

Bills Rolled to the Calendar on Election Issues:

HB 1256 – Moore

Bills Rolled to the Study Committee Subcommittee:

HJR 928 – Winningham

Bills Placed Behind the Budget:

HB 2940 – Windle
 HJR 889 – Windle
 HB 124 – Windle
 HB 2804 – Sontany
 HB 2808 – Sontany
 HB 4162 – Fincher
 HB 3904 – Fincher
 HB 3100 – Curtiss with Budget Sub Amdt. #1
 HB 2444 – Litz
 HB 3936 – S. Jones
 HB 261 – Bibb
 HB 3163 – Bibb

Bills Taken Off-Notice:

HB 125 – Windle

government operations

Kristina Ryan

The **House Government Operations Committee** convened on Wednesday morning to consider nine pieces of legislation. Eight bills were in committee for review and referral purposes for other standing committees and one bill was before the committee as its standing committee. **HB 1623 by Representative Overbey** was rolled for two weeks, **HB 2633 by Representative Todd and HB 3191 by Representative Hardaway** were both rolled for one week and **HB 1829 by Representative Mike Turner** was taken off notice.



Rep. Pruitt

The committee reviewed and referred **HB 2753 by Representative Pruitt** to the Calendar and Rules Committee. Originating in the Commerce Committee, this legislation would require every newborn infant to be screened for hearing loss unless the parent objects based on religious grounds. The Department of Health, in

consultation with the Department of Education, would promulgate rules in order to enforce the provisions of this bill.

HB 4041 by Representative Moore was reviewed and referred to the Finance, Ways and Means Committee. Handled by co-sponsor **Rep. Mumpower**, this bill encourages the State Building Commission to establish rules that require construction, design and certification of all state buildings to be completed with at least a rating of two Green Globes or an equivalent rating. The State Building Commission would be designated the rulemaking authority over this legislation.

HB 2976 by Representative Winningham was reviewed and referred to the Calendar and Rules Committee. Originating in the Education Committee, this legislation would create in general law a network of

grants outside of the BEP for additional funding for career and technical education. The Commissioner of Education would be delegated rulemaking authority in order to implement this bill.

The committee reviewed and referred **HB 2118 by Representative Tidwell** to the Commerce Committee. The bill, as amended, would establish the “Soil Scientist Licensure Act of 2008”. This legislation establishes criteria for becoming a licensed Soil Scientist, such as education requirements and setting fees. In addition, this legislation establishes the Soil Science Advisory Committee, which will be comprised of five members and will be administratively attached to the Registered Land Surveyor’s Board within the Department of Commerce and Insurance. The Soil Science Advisory Committee would oversee all rulemaking as well as set fees in association with this profession.



Rep. Tidwell

health & human resources

Judy Narramore

The **Health & Human Resources Committee** met Tuesday morning, March 25, 2008, to consider 14 bills.



HB 2945 (Lynn) that removes reference to the Joint Commission on Accreditation of Health Care Organizations from existing rule making statute for the Board for Licensing Health Care Facilities was rolled one week at the request of the sponsor. After discussion and testimony from the Department of Human Services, **HB 3264 (Moore)** as amended that revises criminal background check requirements (from conditional, post-employment to pre-employment) for anyone who is employed by or volunteers with a child care agency, or who is 15 years of age or older and resides in a child care agency was rolled one week at the request of Chairman Armstrong. Accordingly, Chairman Armstrong will schedule a representative from the child care industry to testify on Tuesday next concerning HB 3264. **Rep. Tindell** briefly discussed **HB 1633** that, as amended, establishes a state diabetes coordinator position within the Department of Health and then rolled the bill one week to continue working with the Department on additional amendatory language. **HB 2569 (Curtiss)** that requires the Division of Mental Retardation Services (DMRS) to serve 560 additional persons in the Family Support Program and 100 additional persons with developmental disabilities other than mental retardation in the Personal Supports Program during FY 08-09 and requires DMRS establish an ongoing planning process to guide the development and evaluation of home- and

community-based services for people with developmental disabilities other than mental retardation was referred to FW&M. **HB 3677 (Litz)** as amended that authorizes a nurse anesthetist who graduated prior to January 1, 1999, from a nurse anesthesia educational program approved by the American Association of Nurse Anesthetists Council on Accreditation to be eligible for a certificate to practice as an advanced practice nurse was referred to C&R. **HB 3901 (Coleman)** which provides that an original nursing home is not required to maintain its license after a certificate of need has been approved for the replacement facility was referred to C&R. **HB 3802 (Pitts)** as amended that renames the Board of Social Worker Certification and Licensure to be the Board of Social Worker Licensure, increases the membership of the Board from seven to 11 members, establishes four social worker licensure classifications (baccalaureate social worker, master's social worker, advanced practice social worker, and clinical social worker), and rewrites existing statute governing social worker licensure and scope of practice was referred to Government Operations. **HB 2572 (Turner, M.)** as amended that prohibits the Department of Health from assigning an individual to a nursing home inspection team, either an annual survey or complaint investigation, if the individual works or previously worked, at the facility to be inspected was referred to FW&M. The amendment grants the Commissioner discretion to authorize exceptions to assigning individuals as members of an inspection team if deemed necessary for the immediate protection of the health, safety or welfare of residents of a nursing home after a complaint has been filed. **HB 3378 (Odom)** that



Rep. Turner, Rep. Odom

requires the Department of Health to provide a 30-day period for further fact finding relative to violations and corrective actions before suspension or revocation of a nursing home license or the loss of federal funds was referred to C&R. **HB 3382 (DeBerry, J.)** was rolled one week at the request of the sponsor. **HB 3865 (Overbey)** as amended that expands the program components of the Perinatal Advisory Committee to include working with pediatricians to develop standards for dissemination of educational material about conditions which commonly affect newborns, such as respiratory syncytial virus (RSV) was referred to C&R. **HB 4104 (Pruitt, Odom)** that authorizes a health care facility licensee to renew its license within 60 days of the license expiration date by paying the renewal fee in addition to a late penalty was referred to Government Operations. **HB 4011 (Armstrong)** as amended that defines *telepharmacy in federally qualified health centers*; authorizes a federally qualified health center (FQHC) pharmacy technician to issue prescription drugs that have been filled by a FQHC pharmacist and delivered to the satellite clinic without the on-site supervision of an on-duty pharmacist and permits the pharmacy technician to function under the supervision of the FQHC pharmacist by means of telepharmacy with at least one monthly on-site visit to review inventory controls, accountability, security, storage, and issuance; authorizes a FQHC pharmacy technician to issue prescription drugs to a patient of the FQHC and offer counseling by a pharmacist by means of telepharmacy; requires by July 1, 2008, the Department of Health and Board of Pharmacy identify one FQHC, with an on-site pharmacy, for a pilot program in the eastern grand division of the state to implement telepharmacy at no more than two eligible satellite clinics; authorizes the FQHC pilot program sites to issue prescription drugs exclusively to uninsured or underinsured income-eligible patients whose prescription is not covered by third party reimbursement; requires a report from the pilot program to the Board of Pharmacy and health committees of the General Assembly by February 1, 2010; and, authorizes the Board of Pharmacy to expand the project if the pilot is deemed successful was referred to Government Operations. **HB 4058 (Armstrong)** as amended that enacts "The Cancer Elimination Act of 2008" was referred to FW&M. The amendment requires the Department of Health to post on its website a report concerning the use of the tobacco-use prevention and smoking cessation funds and efforts to enhance utilization of breast and cervical

cancer screenings by February 1, 2009, and directs the Department to study the feasibility of creating a Tennessee Colorectal Cancer Screening Program for uninsured and underinsured women and men and report its findings on the Department's web site by February 1, 2009.

Professional Occupations Subcommittee

The **Professional Occupations Subcommittee** met immediately following adjournment of the full committee on March 25th and on Wednesday afternoon, March 26th to consider 13 bills on the calendar and addendum; six were referred to full committee. **HB 4200 (Shepard, Odom)** as amended that makes various changes and additions to the Post-Mortem Examination Act; authorizes the appointment of three deputy state medical examiners (one from each grand division of the state); requires the Chief Medical Examiner to provide training to all county medical examiners and investigators; requires all facilities that perform autopsies to be accredited by the National Association of Medical Examiners (NAME) by June 30, 2009; establishes a statewide method of appointing county medical examiners; expands the reporting of deaths to the county medical examiner to include additional types of death; specifies that medical records of deceased persons, law enforcement investigative reports, and images of deceased persons are not public records; and, creates a nine-member Tennessee Medical Examiner Advisory Council was referred to full committee. Dr. Bruce Levy, Tennessee's Chief Medical Examiner, appeared before the subcommittee to discuss HB 4200 and answer questions from members. **HB 4012 (Armstrong)** that authorizes the Department of Health to contract with the National Foundation of Dentistry for the Handicapped (NFDH), or other qualified non-profit, to establish and administer a donated dental services program to provide dental care for needy, disabled, elderly and medically compromised individuals that do not have dental insurance and are not eligible for dental coverage through any other state or federal assistance programs was referred to full committee. **HB 4105 (Favors, Odom)** that deletes existing requirements mandating the Department of Health approve the prophylaxis used to treat the eyes or a newborn and that the newborn's condition be reported to the local health officer was referred to full committee. **HB 4196 (Favors, Odom)** that authorizes



s/c Chair Favors

the Board of Nursing to split into panels consisting of three or more Board members to hear contested cases or disciplinary matters was referred to full committee. **HB 2924 (West)** concerning informed consent for elective cosmetic surgery was deferred one year 4-3 on a roll call vote. **HB 3267 (Maddox)** as

amended that authorizes professional counselors licensed by the Board of Professional Counselors, Marital & Family Therapists, and Clinical Pastoral Therapists to be certified in art therapy by the Board after meeting certain requirements was referred to full committee. **Rep. Hood** briefly discussed **HB 3110** concerning tamper-resistant prescription forms and then rolled the bill one week for drafting of amendatory language. **Rep. Vaughn** discussed **HB 3294** that defines “adult emergency dental services” and includes such services within the health care safety net for the uninsured and then rolled the bill one week for review of an amendment offered today. **HB 3298 (Vaughn)** that requires labeling of prescription drugs for persons 60 years of age or older was referred to full committee.

In other action, **Rep. Hensley** took **HB 0163** off notice. **HB 3206 (DeBerry, J.)** was rolled one week at the request of the sponsor. **HB 2754 (Pruitt)** was taken off notice at the request of the sponsor. **HB 3985 (Windle)** was rolled one week.

Health Care Facilities Subcommittee

The **Health Care Facilities Subcommittee** met Wednesday, March 26, 2008, to consider four bills; two were referred to full committee. **HB 3311 (Maggart)** as amended requires health care facilities, as part of their infection control program, to perform a risk assessment for methicillin-resistant *Staphylococcus aureus* (MRSA) in the facility and provides that

hospitals, nursing homes, and other health care facilities should communicate MRSA status of patients transferred to other facilities. **HB 3838 (Turner, M.)** as amended permits any licensed and operating nursing home to relocate less than all of its beds to a new location within the original facility’s service area under certain circumstances and removes the existing statute prohibition against transferring nursing home beds other than through a replacement facility application.

In other action, **Chairman Overbey** took **HB 2991** off notice. **Rep. M. Turner** took **HB 3941** off notice.



Rep. Maggart

Public Health & Family Assistance Subcommittee

The **Public Health & Family Assistance Subcommittee** met Wednesday afternoon, March 26th to consider 15 bills on the calendar and addendum; none were referred to full committee. Prior to the start of the meeting, a joint meeting of the Public Health & Family Assistance and Health Care Facilities Subcommittees was held for purposes of discussing **HB 4144**, the “Long-Term Care Community Choices Act of 2008.” Representatives from the Bureau of TennCare presented a section by section review of the proposed amendment that rewrites the bill.

After testimony from the Department of Health, **HB 1444 (Rowland)** concerning food handlers was rolled one week for review of the sponsor’s amendment that rewrites the bill. **Rep. Overbey** discussed **HB 1883** concerning assisted outpatient treatment programs and then rolled the bill one week at the subcommittee’s request; members requested testimony from the Department of Mental Health & Developmental Disabilities. **Rep. McDonald** discussed **HB 2481** concerning drug testing policies for child care agencies and then rolled the bill one week for review of an amendment offered today that rewrites the bill. **Rep.**

Hardaway took **HB 2964** concerning paternity testing off notice. **HB 3083 (McCord)** was rolled one week at the request of the sponsor. **Rep. Vaughn** discussed **HB 3295** concerning dental services in county health departments and then rolled the bill one week for review of an amendment offered today that rewrites the bill. **HBs 3758, 3759 and 3384 (Maggart)** were rolled one week at the request of the sponsor. **Rep. S. Jones** distributed an amendment that rewrites **HB 2502** to create a Council on Children’s Mental Health Care organized by the Tennessee Commission on Children and Youth and then rolled the bill one week for review of the proposed amendment. **HB 2925 (Kelsey)** concerning unexcused school absences and the withholding of Families First Program payments was referred to a summer study committee of the Public Health & Family Assistance subcommittee 5-3 on a roll call vote. **HBs 3161 and 3409 (DeBerry, J.)** were rolled one week at the request of the sponsor. **HB 3903 (Fitzhugh)** was rolled one week at the request of the sponsor. **HB 4144 (Ferguson, Odom, DeBerry, L.)** was rolled to the long-term care calendar.

The Full Judiciary Committee met to consider nineteen bills. House Bill 2743 by Rep. J. DeBerry was rolled for two weeks.

The following is a list of bills approved for passage to Calendar & Rules:



Rep. Overbey

HB 3949 by Rep. Overbey, as amended, makes technical changes to Article 1 of the Tennessee Uniform Commercial Code dealing with general provisions.

HB 3950 by Rep. Overbey, as amended, revises the Tennessee Uniform Commercial Code Article 7 dealing with documents of title such as warehouse receipts, bills of

lading and other documents of title. One major change in the law addresses electronic documents of title. This bill distinguishes between tangible and electronic documents of title.

SB 2001 by Rep. Norris/HB 1993 by Rep. Overbey, as amended, revises medical malpractice provisions. The house amendment is very similar to the amendment that passed the senate last year. It requires any person asserting a potential claim for medical malpractice to give written notice to each health care provider against whom the claim is being made at least sixty (60) days before the filing of the complaint. Attached to the notice will be a list of all health care providers to whom notice has been given. Notice is expanded and clarified in the house amendment to include actual written notice, notice by registered mail, or notice by overnight delivery using a nationally recognized carrier. Once a complaint is filed and the pleadings state whether notice requirements have been met, statutes of limitations and repose shall be extended up to a period of ninety (90) days. A party is required to provide complete copies of the claimant's medical records within thirty

(30) days of receipt of a written request. Also, within ninety (90) days after the filing of a complaint in which expert testimony is required, the plaintiff's counsel shall file a Certificate of Good Faith that the plaintiff's counsel has consulted with one (1) or more experts who have provided a signed statement confirming that upon the information and belief they are: (1) competent to express opinions in the case; and believe that based on the information of the medical records concerning care and treatment of the plaintiff, that there is a good faith basis to maintain the action; or (2) plaintiff's counsel has consulted with one (1) or more experts who have provided a signed written statement confirming upon information and belief that they are competent to express opinions; and there are facts material to the resolution of the case that can't be reasonably ascertained from the medical records and that despite this absence, there is a good faith basis for maintaining the action. Failure of a plaintiff to file this certificate in compliance with the law shall make the action subject to dismissal with prejudice. Within thirty (30) days after a defendant has alleged in an answer that a non-party is at fault, each defendant's counsel must file the Certificate of Good Faith regarding consulted experts' opinions. If a defendant alleging non-party fault fails to comply with the certificate, allegations shall be subject to being stricken with prejudice. The written statement of an expert relied upon in executing the Certificate of Good Faith is not discoverable in the course of litigation unless the court compels it under certain circumstance. If the court determines this statute has been violated, the court will award sanctions against the attorney if the attorney was a signatory to the action and forward the order to the Tennessee Board of Professional Responsibility for appropriate action. Based upon proof that a party's counsel has filed a Certificate of Good Faith in violation of this statute in three (3) or more cases in any court of record of Tennessee, the court shall, upon motion, require the party's counsel to post a ten thousand dollar (\$10,000) bond per adverse party in any future medical malpractice case to secure payment of sanctions.

HB 2832 by Rep. Shepard allows the right to appeal a decision of the general sessions court to the circuit court of the county. Currently, the right to appeal to circuit court applies to adverse decisions.

HB 4113 by Rep. Odom authorizes the attorney general, or any attorney working under the control or

supervision of the attorney general, to disclose otherwise confidential information in discharge of the duty to enforce or defend the Tennessee Tobacco Manufacturers' Escrow Fund Act of 1999, or any litigation, arbitration or proceeding related to the act or the Tobacco Master Settlement Agreement.

HB 2797 by Rep. Buck, as amended, requires the department of human services to serve a complaint not only on an adult alleged to need protective services, but any spouse of such adult forty-eight (48) hours prior to a hearing in which the department is seeking an order authorizing protective services necessary to prevent imminent danger or harm. Also, it gives the spouse a right to be present and represented by counsel at the hearing. Counsel cost shall be borne by the spouse unless the department failed to serve a copy of the complaint on the spouse without good cause, in which case the department would be liable up to two thousand dollars (\$2,000). Allows a court in its order to authorize the temporary guardian to exercise power of attorney over the adult's bank accounts. Also, the bill provides that the limited power of attorney authorizes the temporary guardian to withdraw money from or freeze or unfreeze the account.

HB 2595 by Rep. Coleman increases the maximum amount of a minor's or disabled person's money or property which can be distributed without the appointment of a guardian or conservator from ten-thousand dollars (\$10,000) to twenty-thousand dollars (\$20,000).



Chairman Coleman

self defense or in defense of a third party to include a business.

HB 1875 by Rep. McDonald, as amended, prohibits hunting with a firearm on public lands or public waters while under the influence of alcohol or any intoxicant.

HB 2718 by Rep. Fincher, as amended, creates the Tennessee Taxpayer and Citizen Protection Act of 2008. It authorizes certain entities to manufacture identification documents: businesses, companies, corporation for employee id; federal, state and local governmental agencies for legitimate purposes; public or private schools to id the bearer as a student, employee, etc.; professional organization or labor union to the bearer as a member of the organization. All identification documents issued by public school or state or private institutions or federal, state and local government agencies are to be issued only to U.S. citizens, nationals and legal permanent resident aliens unless an applicant presents certain evidence of lawful presence in the state. Also, the bill denies eligibility for any postsecondary education benefits or resident tuition for any person who is not lawfully present in the United States.

Bills rolled for one week:

HB 2469 by Rep. S. Jones
HB 3162 by Rep. S. Jones
HB 2917 by Rep. Maggart
HB 2668 by Rep. Hackworth
HB 2589 by Rep. J. DeBerry
HB 2632 by Rep. J. DeBerry
HB 4197 by Rep. Fincher
HB 3991 by Rep. DuBois

Civil Practice & Procedure Subcommittee

The Civil Practice and Procedure Subcommittee met to discuss thirty bills on its calendar. The Civil Practice and Procedure Subcommittee will hear the last of its bills on April 8, 2008.

House Bill 4027 by Rep. Casada relative to notaries was sent to summer study. It requires continuing education for those becoming notaries and renewing



s/c Chair Fincher

notaries. It authorizes notaries to perform electronic notarizations.

The following house bills were approved for passage to the Full Judiciary Committee:

HB 2888 by Rep. Coleman ensures that the Tennessee Investment Services Act of 2007 will not prohibit collection of certain debt incurred in regard to certain domestic relations matters. It provides that limitations on actions by creditors would not apply if the transferor is indebted on account of a court order for



Rep. Shepard

support to the spouse, former spouse, children, or for the division of property in favor of such individuals.

HB 2833 by Rep. Shepard permits a court to order funds under ten thousand dollars (\$10,000) that are being held on behalf of a minor, to be delivered all or in part to the custodial parent or the primary residential parent if the court finds that such order would

best serve the welfare of the minor if the guardians of the minor are the parents of the minor and divorced or legally separated.

HB 2499 by Rep. Odom, as amended, prohibits the disclosure of home telephone and personal cell phone numbers from the personnel records of any state, local, or other public employee. Also, residential information, including the street address, city, state and zip code of any state employee is to be treated as confidential. The residential street address for any county, municipal or other public employee is not to be disclosed. The distinction between the state employee and the county employee as it relates to the disclosure of residential information is made because there may be residency requirements for local government employees.

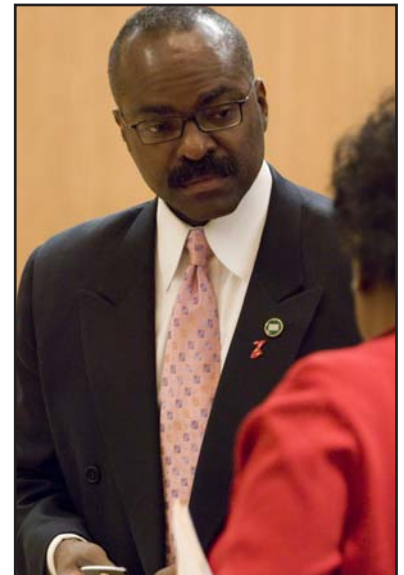
HB 3736 by Rep. Pitts, as amended, permits a financial institution to file with the court a copy of notice of refusal to comply with a defective subpoena. The notice must contain on its face specific language stating that the notice shall suspend issuance of any order to

show cause to compel a response. Receipt of such notice by the clerk will serve as notice to the court that it must not issue an order to show cause or compel the financial institution to respond to the defective subpoena. However, the court can issue an order once the subpoena meets the necessary requirements.

HB 2657 by Rep. Hackworth authorizes Anderson County's legislative body to increase the litigation tax from ten dollars (\$10.00) to twenty-five dollars (\$25.00) with the funds to be used exclusively for court house security.

HB 2655 by Rep. Hackworth requires Anderson County to collect a dollar (\$1.00) filing fee in addition to the general filing fees collected by court clerks to be used for security of court facilities.

HJR 836 by Rep. Hardaway creates a special joint committee to study issues relating to the investigation and prosecution of unsolved civil rights crimes and cold cases from the civil rights era. The special committee will consist of three (3) house members and three (3) senate members. The special committee must report its findings and recommendations to the 105th General Assembly no later than January 15, 2009.



Rep. Hardaway

The following is a list of bills rolled 1 week:

HB 2412 by Rep. Buck
HB 3735 by Rep. S. Jones
HB 2473 by Rep. S. Jones
HB 2492 by Rep. Fincher
HB 4103 by Rep. Odom
HB 2461 by Rep. Litz
HB 2661 by Rep. Hackworth
HB 2662 by Rep. Hackworth
HB 2650 by Rep. Hackworth
HB 4076 by Rep. Hardaway
HB 4053 by Rep. Rinks
HB 3763 by Rep. Overbey

HB 4154 by Rep. Coleman

Rolled to the last calendar (April 8th):

HB 3415 by Rep. Sargent
HB 127 by Rep. Bell
HB 721 by Rep. DuBois
HB 1523 by Rep. Campfield

Off notice:

HB 18 by Rep. Shepard
HB 37 by Rep. Hackworth
HB 173 by Rep. Harwell
HB 758 by Rep. Matheny
HB 3618 by Rep. Maddox

Criminal Practice & Procedure Subcommittee

The Criminal Practice and Procedure Subcommittee heard its special DUI calendar. The Criminal Practice and Procedure Subcommittee will hear the last of its bills for this legislative session on April the 2nd.

House Bill 3684 by Rep. Hill failed for a lack of a second. The bill increases the penalty for a second or subsequent DUI to a Class B felony with a mandatory minimum twenty (20) year sentence. The bill costs \$1,287,468,000.

The following is a list of bills that were approved for passage to the Full Judiciary Committee:

HB 2876 by Rep. DuBois creates a new Class D felony for the fifth (5) or subsequent DUI conviction punishable by a fine of not less than five thousand dollars (\$5,000) nor more than fifteen thousand dollars (\$15,000) and confinement for not less than three hundred and sixty (360) consecutive days, to be served day for day, nor more than the maximum punishment authorized for the



Rep. DuBois

appropriate range of a Class D felony. Also, the court shall prohibit the person from driving a motor vehicle for a period of five (5) years.

HB 831 by Rep. DuBois, as amended, requires a judge to impose on a DUI offender the following conditions: participation in an alcohol and drug safety DUI school and/or a drug offender school program if available; and a drug and alcohol assessment or treatment; or of the court deems it appropriate the service is available, both a drug and alcohol assessment and treatment, with cost of such service being paid by the offender unless indigent, in which case the cost or some portion may be paid from the alcohol and drug addiction treatment fund. The judge also may order the offender to attend a victim's impact panel program.

HB 4213 by Rep. Coleman, as amended, creates the Tennessee Administrative License Revocation Act of 2008. It provides for a quick administrative revocation of a person's driving privileges if it is determined that the individual was driving under the influence of alcohol or drugs beyond the legal limits or refuses a breathalyzer test.

HB 2598 by Rep. Coleman deletes the enhanced punishment for the offense of DUI where a minor passenger is killed or suffers serious bodily injury so that the driver commits vehicular homicide or vehicular assault regardless of the age of the passenger.

HB 3091 by Rep. Hill includes vehicular homicide and aggravated vehicular homicide to the list of offense for which a defendant must serve one hundred percent (100%) of the sentence imposed by the court less sentence credit earned.

HB 3628 by Rep. Fincher requires the court to order a person convicted of DUI who has at least one (1) prior DUI conviction to operate only a motor vehicle equipped with a interlock device during the period that the person's license is restricted and for a period of up to one (1) year after the license is no longer suspended, revoked, or restricted.

HB 4125 by Rep. Sontany authorizes counties to expand uses of funds collected from DUI fines to mental health treatment facilities, to organizations whose primary mission is to educate the public on the co-occurring disorder of both alcohol and drug abuse or mental illness, to specialized court programs and specialized court dockets which supervise offenders who suffer from alcohol and drug abuse or co-occurring disorder of both alcohol and drug abuse and mental

illness and to organizations that operate co-occurring programs for the homeless or indigent.

HB 3661 by Rep. Niceley, as amended, creates within the department of safety a DUI offender registry of persons whose driver's license is revoked or suspended and who have been convicted of two (2) or more violations of DUI.

HB 1722 by Rep. Rowland increases the fine for a DUI conviction by two-hundred and fifty dollars (\$250) with half of the proceeds earmarked for county maintenance of buildings or jail facilities or hiring more law enforcement and the other half to go to the state for the purpose of building or expanding prisons.

HB 2597 by Rep. Coleman, as amended, removes the two (2) hour time window in which a test for alcoholic or



Rep. Eldridge

drug content of a person's blood must be administered to be admissible as evidence.

HB 852 by Rep. Eldridge, as amended, requires any driver charged with leaving the scene of an accident when such person knew or should've reasonably known that death resulted from the accident in addition to a charge of vehicular assault, vehicular homicide or

aggravated vehicular homicide to serve any sentence consecutively.

HB 2601 by Rep. Bass requires individuals convicted of first offense driving under the influence to spend a minimum of seven (7) consecutive days in confinement instead of forty-eight (48) hours if at the time of the offense such person has a blood alcohol concentration ("BAC") of fifteen hundredths of one percent (.15%) or more. Currently, a person with a BAC of twenty hundredths of one percent (.20%) or more serve a minimum period of confinement of seven (7) days.

Bills rolled 1 week:

HB 2877 by Rep. DuBois

HB 43 by Rep. H. Brooks

The following is a list of bills rolled to January 2009:

HB 2879 by Rep. DuBois

HB 2882 by Rep. DuBois

Off notice:

HB 2875 by Rep. DuBois

HB 2880 by Rep. DuBois

HB 2881 by Rep. DuBois

HB 797 by Rep. DuBois

HB 660 by Rep. Hill

HB 3623 by Rep. Fincher

HB 3947 by Rep. Williams

HB 128 by Rep. Bell

Summer Study:

HB 2878 by Rep. DuBois

HB 3095 by Rep. Hill

state & local government

Lawrence Hall, Jr.



Chairman Jones

This week in State and Local Government full committee, the committee passed five bills to Calendar and Rules and four bills to Finance, Ways and Means. All other bills were rolled to next week's calendar except for **HB 459 by Fitzhugh**. This bill was taken off notice.

Calendar and Rules:

-HB 4188 by McDaniel – This bill

declares September 17 of each year be observed as "Tennessee and United States Constitutions Day."

-HB 3472 by McCord - Authorizes certain municipalities to regulate and prohibit use of wheel immobilizers to disable vehicles.

-HB 4114 by Cobb C, Odom – This bill authorizes the fire service and code enforcement academy to accept, for any of its purposes and functions, donations of real and personal property and services and grants of money.

-HB 3005 by Harmon - Authorizes TRICOR board to prepare and use publications for marketing and public education.

-HB 3819 by Harmon – This bill eliminates certain administrative requirements concerning legislation transmitted to agencies for review.

Finance, Ways and Means:

-HB 2568 by Curtiss - Requires forfeiture of access to health insurance benefits by any member of the general assembly convicted of a felony involving public office.

-HB 2750 by Dunn - Authorizes a governing body to allow electronic communication between members under

certain conditions; and exempts qualifying communication from open meetings law.

-HB 3405 by Watson – This bill directs TACIR to conduct a study of whether utility districts should be allowed to provide service to any customer located within the boundaries of an adjoining utility district that, following petition by such customer, has refused or neglected to provide service to such customer within a reasonable period.

-HB 3867 by Hood – This bill authorizes county mayors to employ a county fire marshal if funds are appropriated by the county legislative body for such position.

State Government Subcommittee

This week in State Government Subcommittee:

-HB 2450 by Fitzhugh – This bill adds honorably discharged veterans to those qualifying for reduced admissions to special exhibits at the Tennessee state museum.

-HB 3725 by Fitzhugh – This bill revises provisions under the Tennessee State Revenue Sharing Act, regarding TVA payment in lieu of taxes, governing allocation to the University of Tennessee for use in operating the county technical assistance service.

-HB 3800 by Curtiss - Requires rural electric cooperatives to comply with open meetings law and public records law.

-HR 0271 by Tindell - Approves 2008-2009 501(c)(3) annual events by the house of representatives.



Rep. Dunn

-HJR 0960 by Hood - Creates office of “Storytelling Laureate” and designates Ernest McConnell as first Storytelling Laureate.

-HB 2742 by Hardaway – This bill adds director of Title VI compliance commission as a member of governor’s cabinet.

-HJR 0116 by Gilmore - Requests department of correction to review National Bill of Rights for Children of the Incarcerated and update 1995 report on Children and Families of Incarcerated Felons.

-HB 2948 by Lynn - Establishes criteria to be reviewed by the fiscal review committee and the government operations committees on all proposals concerning the licensure or certification of business professions or occupations seeking licensure or certification by the state.

-HB 3692 by Brooks K - Authorizes members of civil air patrol who are state employees to receive their regular compensation while participating in authorized training or emergency services.

-HJR 933 by Fincher – This resolution confirms the appointment of Garry W. McNabb on the Board of Directors of the Tennessee Education Lottery Corporation.

Rolled Bills:

-HB 2512 by Mumpower – 1 Week

-HB 2513 by Mumpower – 1 Week

-HB 2583 by Harmon – 1 Week

-HB 2959 by J. DeBerry – 1 Week

-HB 3299 by Vaughn – 1 Week

-HB 3631 by Kernell – 1 Week

-SJR 535 by Herron – 1 Week

-HB 3766 by Maddox – 1 Week

-HB 3328 by Brown – Off Notice

-HB 3795 by McDaniel – Off Notice

-HB 3037 by Watson – Off Notice

Local Government Subcommittee

This week in Local Government subcommittee there were twenty-eight bills on the calendar. Twelve bills were passed to full committee and all other bills were set for later calendars or taken off notice.

-HB 3104 by Curtiss - Gives the water and wastewater financing board the authority to lower and set the rate of certain subscribers receiving water

service directly from a municipality in certain circumstances.

-HB 3973 by Armstrong – This bill revises requirements concerning corporate powers and allocation of taxes.

-HB 3273 by Cobb C - Establishes minimum requirements for the local emergency management director.

-HB 3270 by Cobb C – This bill authorizes a development district to construct a building for its own use.

-HB 0946 by Hood – This bill requires that counties housing felons, detainees, and persons whose probation has been revoked be reimbursed by the state at a minimum rate of \$50.00 per prisoner per day.

-HB 3064 by Johnson P - Requires local governments and law enforcement to cooperate with federal officials on immigration status of any person in the state and prohibits local governments from enacting sanctuary policies toward immigrants.

-HB 2717 by Johnson C – This bill requires each municipality and county to post its charter of incorporation on a Web site maintained by the municipality or county or, if none is so maintained, the charter is to be posted on the Web site maintained by the secretary of state.

-HB 3186 by Hardaway - Clarifies that the election and duties of constitutional county officers shall not be altered or abolished under a county charter form of government and failure to specifically create or specify duties of such officers shall not be deemed to abolish the offices.

-HB 3281 by Maddox – This bill authorizes retired highway patrol officers to work for local law enforcement agencies.



Rep. C. Johnson

-HB 3702 by Floyd - Increases flexibility extended to municipalities to prescribe, by ordinance, which



Rep. Floyd

purchases require public advertising and competitive bidding and which purchases require competitive bidding, if possible, but no public advertising by increasing the dollar amount from \$10,000 to \$25,000.

-HB 3830 by Maggart - Authorizes any municipality to create a design review commission to develop certain general guidelines

concerning the exterior appearance of all nonresidential property, multiple family residential property, and entrances to nonresidential developments within the municipality.

-HB 0945 by Jones U – This bill clarifies that the duties of constitutional county officers shall not be altered or abolished under a county charter form of government and failure to specifically create or specify duties of such officers shall not be deemed to abolish the offices.

Bill Off Notice:

- HB 3103 by Curtiss
- HB 3972 by Armstrong
- HB 3118 by Dubois
- HB 3518 by U. Jones
- HB 2913 by West

Elections Subcommittee

This week in Elections Subcommittee, the committee conducted its *final meeting*. The committee passed eight bills to full committee. All other bills were taken off notice.

-HB 3624 by Odom – This bill prohibits the use of a social security number for purposes of voter registration.

-HB 1279 by Lynn - Requires state coordinator of elections to seek to enter agreements with other states

for the purpose of comparing data to identify duplicate voter registrations.

-HB 1282 by Lynn – This bill requires any voting system purchased on or after July 1, 2007, to produce a paper version of any ballot cast; requires such paper version to be retained by county election commission for recounts, contests, or random samplings.

-HB 1895 by Rinks – This bill revises provisions related to computerized voting systems, contested elections, alleged tempering with ballots or voting machines, post election audits, and retention of certain information.

-HB 2873 by Moore - Requires coordinator of elections to create minimum standards for educating election officials; increases compensation for election officials during regular state and federal elections.

-HB 2874 by Moore - Allows career service state employees to serve as election officials; requires state colleges and universities to create program giving credit hours to students who serve as election officials.

-HB 3804 by Miller L - Allows counties using computerized voting system to locate multiple precincts in the same facility, space permitting; allows counties with Web sites to create Internet-based electronic filing system for candidates for local public office.

-HB 2514 by U. Jones – This bill allows sample ballots to be mailed to active registered voters and if more than one registered voter is at the same address the bill permits on sample ballot to be sent to the address.



Rep. Moore

The **House Transportation Committee** convened March 25, 2008 to consider fourteen bills.

Before taking up the calendar, the committee heard from Colonel Mike Walker of the Tennessee Highway Patrol for an update on Bus Inspection Program.

HB2768 (Hardaway) was rolled for two weeks.

HB3233 (Shepard) was deferred for one week.

HB1039 was rolled to the last calendar. **HB3476** (Matlock) was taken off notice.



Rep. Rinks

HB2620 (Rinks) authorizes issuance of military family assistance new specialty earmarked license plates, and it allocates 50 percent of funds derived from sale thereof to the military family assistance trust fund. The bill was passed by the committee and will be placed in the **Omnibus License Plate Bill**.

The following bills was passed by the committee and referred to the **Calendar and Rules Committee**:

HB2893 (Gilmore) – As amended, requires motor carriers, with a capacity of 30 or more passengers, with a gross vehicle weight greater than 26,000 pounds, and providing passenger transportation service more than 50 miles from primary place of business, to maintain automated electronic defibrillators in vehicles and train drivers to use such devices. Any motor vehicle used to transport children to or from school is exempt.

HB2766 (Bass) – Adds four-wheeled gasoline vehicles with a top speed between 20 and 25 miles per hour to the definition of “low speed vehicle” that may only be operated on streets where the posted speed limit is 35 miles per hour or less.

The following bills were referred to the **Finance, Ways and Means Committee**:

HJR927 (Windle) – “Edward (Dooley) Hood Memorial Highway” highway signs on a segment of U.S. Highway 127 in Fentress County. An amendment was adopted for Fentress County to pay for the signs.

HJR336 (Maddox) – Expresses intent to name appropriate bridge on State Route 840 in honor of the late Sergeant Dustin D. Laird, Tennessee National Guard.

HJR946 (Tidwell) – “Marshall P. Ledbetter, Sr. Memorial Bridge” highway signs on Bridge 60-SR243-11-.38 on State Route 243 in Maury County. An amendment was adopted for Maury County to pay for the signs.

HB2723 (Richardson) – As amended, increases the penalty for improperly parking in any parking space designated with the wheelchair disabled sign from \$150 to \$200, which may not be suspended or waived. The bill also authorizes a court to order an offender to perform up to five hours of community service, which must be of a nature that assists the disabled community by monitoring disabled parking spaces, providing assistance to handicapped centers or to disabled veterans, or other similar purposes. This bill requires new signs designating a parking space designated with the wheelchair disabled sign that are erected after July 1, 2008, to indicate the penalties contained in this bill.

HB3933 (DuBois) – As amended, encourages the Department of Safety to increase its efforts to educate motorists about the “*THP (*847) Program” and to use it to report drivers who are violating the rule of the road.

HB2814 (Tidwell) – Authorizes a custom built motor vehicle to be titled as the make, model, and year of the car it most resembles. An amendment was adopted that adds a requirement that the car must be intended to replicate the make, model, and year of the manufactured vehicle and that the title clearly identifies the custom-built car as a replica in order to title a custom-built car pursuant to this bill.

HB2529 (C. Cobb) – Provides that a motor vehicle operator who knowingly ignores a flood warning sign or

barricade placed at a flooded road area commits reckless driving. The bill also provides governmental immunity for the governmental entity that posted the sign or barricade. An amendment was adopted that exempts emergency vehicles from the provisions of the bill.

Public Safety & Rural Roads Subcommittee



s/c Chair Fraley

The **Public Safety & Rural Roads Subcommittee** met March 25, 2008 to consider fifteen bills.

HB3996 (Ferguson), **HB4080** (Ferguson), **HB4157** (Odom), **HB4194** (Odom), **HB2626** (Hardaway) and **HB3193** (Hardaway) were rolled for one week.

HB3922 (Coley), **HB3924** (Coley) were taken off notice.

The following bills were referred to the full **Transportation Committee**.

HB3923 (Coley) – Authorizes motor vehicles used in driver education and training courses to use amber lights in the front and rear of such motor vehicles. An amendment was adopted by the committee that requires that the lights not be in the line of sight of the driver.

HB2590 (Richardson) – Requires any business with a permanent location that is open to the public to provide specially marked parking spaces for the exclusive use of disabled persons. This bill requires a specific number of specially marked parking spaces based on a sliding scale. A business with one to 25 parking spaces would be required to have one specially marked parking space, while a business with 401 or more parking spaces would be required to have nine specially marked parking spaces. This bill also requires one or more of the specially marked parking spaces to be van accessible if the business has at least four specially marked parking spaces. The bill would only apply to parking spaced constructed after that date.

HB3610 (L. Turner) – Authorizes issuance of disabled driver placards to agency providing motor vehicle rentals to disabled clients. The number of placards may not exceed the number of vehicles owned and operated for the purpose of providing motor vehicle rentals to disabled clients. Placards are only to be issued for vehicles permanently equipped with a wheelchair ramp or lift. Using a placard for any other purpose is grounds for forfeiture of the placard. A violation is punishable as a Class B misdemeanor with a fine only of \$200.

HB3069 (McCord) – As amended, creates a procedure for issuing citations based on evidence from a traffic light signal monitoring system. The bill requires an employee of the applicable law enforcement agency to review video evidence from a traffic light signal monitoring system and make a determination as to whether a violation occurred. If a determination is made that a violation occurred, this bill requires that a notice of violation or citation be sent by first class mail to the registered owner of the vehicle. The notice or citation must allow for payment within 30 days of mailing the notice or citation. No additional penalty or costs would be assessed for nonpayment unless a second notice is sent by first class mail to the registered owner of the vehicle and the second notice provides for an additional 30 days for payment. This bill exempts the following vehicles from receiving notice of a violation: emergency vehicles with active emergency lights; vehicles moving through an intersection to clear the way for an emergency vehicle; vehicles under police escort; and vehicles in funeral processions. The registered owner of a vehicle would not be responsible for a violation if, on or before the court date, the owner furnishes the court an affidavit stating the name and address of the person or entity that leased, rented, or otherwise had care, custody, or control of the motor vehicle at the time of the violation. If a motor vehicle or its plates were stolen at the time of a violation, the registered owner would be required to provide an affidavit denying that the owner was an operator and provide a certified copy of the police report reflecting the theft.

HB3854 (McCord) – As amended, requires that no state agency or any political subdivision of the state that installs, owns, operates, or maintains a traffic-control signal light in an intersection that employs a surveillance camera for the enforcement or monitoring of traffic violations shall reduce the time exposure of the yellow light at such intersection with the intended purpose of increasing the number of traffic violations.

HB2916 (West) – Requires the department of safety upon issuing a driver license to include a statement that



Rep. West

will enable an individual to certify that individual's status as an intended anatomical gift recipient.

HB3200 (Coleman) – As amended, requires when a court clerk receives certification that a court ordered driver's education or improvement course has been completed, the court clerk must report the completion in the abstract of the court case record.

Public Transportation & Highways Subcommittee

The **Public Transportation & Highways Subcommittee** met on March 25, 2008 to consider eleven bills.

HB3259 (Pinion) was deferred for one week.

HB3468 (J. Cobb) was referred to summer study.

HB2781 (Tindell) and **HB3770** (Harmon) were taken off notice.

The following bills were passed to the full **Transportation Committee**:



Rep. Casada

HB2679 (Casada) – Creates a category of "medium speed vehicle", and allows one to be operated at a rate not to exceed 35 miles per hour only on streets where the posted speed limit is 40 miles per hour or less. This bill would not prohibit a medium speed vehicle from crossing a road or street at an intersection where the road or street has a posted speed limit

of more than 40 miles per hour. Any person operating a medium speed vehicle must have in possession a valid Class D driver license. The registration fee for a medium-speed vehicle would be \$9.50. Local government can prohibit a medium speed vehicle on any road under its jurisdiction if it determines that it is necessary in the interest of safety. TDOT may also prohibit the operation of medium speed vehicles on any road under the its jurisdiction if it determines that it is necessary in the interest of safety.

HB3449 (Rinks) – "SMSgt. Franklin R. Bledsoe Memorial Highway" highway signs on a segment of State Route 421 in Decatur and Hardin counties.

HB2863 (Pinion) – As amended, requires all motor vehicle registration tax revenue, except for portions earmarked for the Police Pay Supplement Fund, and fee revenue derived from the issuance of temporary operator permits be apportioned to the Highway Fund. The bill also requires all gasoline tax revenue which is currently apportioned to the General Fund be reapportioned to the Highway Fund. The bill also requires all interest earnings of the Highway Fund to remain part of the Highway Fund instead of reverting to the General Fund.

HB2865 (Pinion) – As amended, the 2008 Omnibus License Plate Bill. The bill establishes the following new special license plates:

- National Rifle Association
- Tennessee State Guard
- U.S. Coast Guard Auxiliary
- Share the Road
- Appalachian Trail Conservancy
- Autism Awareness
- Tennessee Urban Forest Council.
- Appalachian Bear Rescue
- Gold Star Family
- Mitochondrial Disorder
- Mothers Against Methamphetamine (MAMA)
- Veterans of Foreign Wars
- Military Family Assistance
- Tennessee Association of Realtors
- Tennessee Performing Arts Center (TPAC)
- Masons Motorcycle Plate
- Bryan College
- Tennessee Emergency Medical Services
- Education Association

The bill also extends the signup deadline for one year for the following special license plates:

Trout Unlimited

The bill also makes various changes to several special license plates. The bill redistributes funds from sale of Masons license plates, and directs all funds produced from the sale of the Masons license plates, minus the state's expenses in designing and manufacturing the plates, to the Masonic Widows' and Orphans' Home of Tennessee Fund. The bill revises the name of "Women Veterans of America" plates to "Tennessee Woman Veteran" plates. The bill authorizes surgical personnel that are on-call to receive emergency license plates upon payment of all applicable fees for such license plates. The bill also authorizes the sale of Purple Heart license plates to holders of the Purple Heart after the holder has received two Memorial Purple Heart Plates

HB2495 (Fincher) – Requires TDOT to implement a directional highway sign program for certain airports within 10 miles of the state interstate highway system.

HB2937 (Harmon) – Requires the department of transportation to coordinate all financial resources that are provided for public transportations services and transportation services for populations needing specialized assistance ("transportation services"). Any state entity with authority to issue a grant or make an expenditure for transportation services in Tennessee would be required to coordinate with the department's multimodal transportation resource division and obtain the commissioner's written approval before issuing a grant or making an expenditure. Any local entity that receives a direct federal or private grant for transportation services would be required to file a report with the department's multimodal transportation resource division detailing the amount of the grant and purpose.

HJR909 (Maddox) – Creates special joint committee to study Tennessee's transportation funding system.

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